

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

In re:	)	
Jovan Perry,	)	Administrative
Candidate	)	Order #24-027
	)	
	)	Re: Petition Submitted for
	)	Advisory Neighborhood Commissioner
	)	for Single Member District 8C02

**MEMORANDUM OPINION AND ORDER**

**Introduction**

This matter came before the District of Columbia Board of Elections (“the Board”) on September 6, 2024. It is a challenge to the nominating petition submitted by Jovan Perry (“the Candidate”) to run for the office of Advisory Neighborhood Commissioner (“ANC”) for Single-Member District (“SMD”) 8C02 in the November 5, 2024, General Election (“the General Election”). The challenge was filed by Jamal Muhammad (“the Challenger”), a registered voter in the District of Columbia, pursuant to D.C. Official Code § 1-1001.08 (o)(1). Chairman Gary Thompson and Board members Karyn Greenfield and J.C. Boggs presided over the hearing. The Candidate was represented by Robbie Woodland (“Candidate’s Representative”).

**Background**

On August 7, 2024, the Candidate submitted a nominating petition to appear on the ballot as a candidate in the General Election contest for the office of ANC in SMD 8C02 (“the Petition”). The minimum number of signatures required to obtain ballot access for this office is twenty-five (25) signatures of District of Columbia voters who are duly registered in the same SMD as the candidate. The Petition contained thirty-four (34) signatures. Pursuant to Title 3 District of

Columbia Municipal Regulations (D.C.M.R.) § 1603.1, Marissa Corrente, the Board of Elections' Registrar of Voters ("the Registrar"), accepted all thirty-four (34) signatures for review.

On August 10, 2024, the Petition was posted for public inspection for ten (10) days as required by law. On August 19, 2024, the Challenger filed challenges to a total of twelve (12) signatures ("the Challenge"). Specifically, the signatures were challenged pursuant to Title 3 D.C.M.R. § 1607.1 of the Board's regulations on the following grounds: the signer is not a registered voter in the District of Columbia; the signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed; the signature is a duplicate of a valid signature; the petition does not include the name of the signer; the signature is not sufficiently legible for identification; and the signature is not dated.

#### **Registrar's Preliminary Determination**

The Registrar's review of the Challenge indicated that ten (10) of the twelve (12) signature challenges were valid: one (1) challenge was valid because the signer is not registered to vote; three (3) challenges were valid because the signer is not registered to vote at the address listed on the petition at the time the petition was signed; three (3) challenges were valid because the signer's voter registration was designated as inactive on the voter roll at the time the petition was signed; two (2) challenges were valid because the signature is not dated; and one (1) challenge was valid because neither the name of the signer nor the signature was sufficiently legible for identification.

This left the Candidate's nominating petition with twenty-four (24) presumptively valid signatures, which is one (1) signature below the number required for ballot access.

#### **September 3, 2024 Pre-Hearing Conference**

Pursuant to Title 3 D.C.M.R. § 415.1, the Office of the General Counsel ("OGC") convened a pre-hearing conference with both parties on September 6, 2024. In her findings report

issued prior to the pre-hearing conference, the Registrar outlined her determinations with respect to the validity of each signature challenged and provided a key code explaining the notations she used to indicate the basis for upholding or denying each challenge.

The Candidate's Representative acknowledged the Petition's deficiency and explained that, while change of address forms were completed for three voters, they had not been submitted due to the Candidate's current illness. The Candidate's Representative also argued that the undated signatures should be accepted, as some signers, particularly seniors, may have inadvertently omitted the date. The Candidate's Representative stated that she wished to have the Candidate, as well as the two signers who had failed to include the date with their signatures, appear as witnesses for the Board hearing.

The Challenger accepted the Registrar's findings and did not intend to contest the signatures further. He confirmed that he would not present any additional evidence or witnesses, and stated that he would rely on the Registrar's report and findings.

The parties agreed to a deadline of noon on the next day to submit any affidavits or statements from witnesses. The Candidate timely submitted a non-notarized affidavit signed by Henryetta Ingram-Brown, one of the voters who failed to place a date by her signature. In her statement, Ms. Ingram-Brown stated that she signed the petition for the Candidate on August 7, 2024.<sup>1</sup>

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<sup>1</sup> Upon receipt of the affidavit, OGC contacted Henryetta Ingram-Brown using a phone number associated with her voter file in the Board's records. Ms. Ingram-Brown confirmed that she signed the petition on August 7, 2024 and that she had submitted her statement accordingly. She also expressed her willingness to testify at the Board hearing.

### **Withdrawal of challenge**

On September 6, 2024, the Challenger filed a Withdrawal of Challenge form, rendering the challenge matter moot. Nevertheless, the Petition remained, as determined by the Registrar, numerically insufficient. Thus, a Board hearing was held to address the Petition's insufficiency.

### **September 6, 2024 Board Hearing**

The Registrar was present at the hearing and presented her findings. During the Board hearing, the assigned OGC attorney discussed what transpired at the prehearing conference, including the Candidate's submission of Ms. Ingram-Brown's affidavit. During the Board hearing, the Chair reviewed the affidavit, in which Ms. Ingram-Brown's stated that she signed the petition for Jovan Perry on August 7, 2024. Although the affidavit was not notarized, the Chair accepted it as sufficient evidence to cure the issue of the undated signature. The Chair noted that the affidavit, along with confirmation provided by Ms. Ingram-Brown and her willingness to testify, was deemed adequate to validate the signature. Additionally, the Registrar confirmed that the signature on the affidavit matched the signature in the Board's records.

### **Discussion**

The minimum number of signatures required to obtain ballot access for this office is twenty-five (25) signatures of District voters who are duly registered in the same Single-Member District as the candidate. The Registrar initially determined that the Petition contained twenty-four (24) presumptively valid signatures, finding that two (2) signatures on the Petition were invalid as they were not dated. In light of the credible evidence presented to validate the signature of Ms. Ingram-Brown, we see fit to waive as formal error, in accordance with 3 D.C.M.R. § 1606.4<sup>2</sup>, Ms. Ingram-Brown's undated signature and to credit that signature to the Petition.

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<sup>2</sup> 3 D.C.M.R. §1606.4 provides that, "[a]fter the receipt of a properly filed challenge that is based on allegedly invalid signatures, the Board's staff shall search the Board's permanent registration records to prepare a

This validation of Ms. Ingram-Brown's signature brings the total number of valid signatures to twenty-five (25), the minimum number required for ballot access. The Board Chair made a motion that the Board grant ballot access to the Candidate. The motion was seconded and the Board voted unanimously to grant the Candidate ballot access.

**Conclusion**

The Board finds that the Petition contains 25 valid signatures, the exact number required for ballot access. It is thus hereby:

**ORDERED** that Jovan Perry shall be **GRANTED** ballot access in the contest for the office of Advisory Neighborhood Commissioner for Single-Member District 8C02 in the 2024 General Election, and that her name shall appear on the ballot.

The Board issues this written order today, which is consistent with our oral ruling rendered on September 6, 2024.

Date: September 7, 2024



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Gary Thompson  
Chairman  
Board of Elections

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recommendation to the Board as to the validity of the challenge. The scope of the search shall be limited to matters raised in the challenge. In the event Board staff discovers a fatal defect either on the face of a petition or pursuant to a record search concerning a specific allegation or challenge, the Board may, on its own motion, declare any signature(s) invalid, notwithstanding the defect was not alleged or challenged; alternatively, the Board, in its discretion, may waive any formal error.”